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Morgan, Lewis & Bockius LLP
1800 M Street, N.W.
Washington, DC 20036

In re Application of
Long et al
Application No.: 10/018,551 : DECISION ON
PCT No.: PCT/US99/15129 :
Int. Filing Date: 02 July 1999 :
Priority Date: 02 July 1998 : PETITION UNDER
Attorney's Docket No.: 047714-5001-US :
For: EXTRACHROMOSOMAL DNAs IN THE :
FUNGUS PESTALOTIOPSIS : 37 CFR 1.137(b)

This is in response to "Petition For Revival Of An International Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 C.F.R. §1.137(b)" filed on 20 December 2001.

BACKGROUND

On 02 July 1999, this international application was filed, which claimed an earliest priority date of 02 July 1998.

A Demand was filed on 31 January 2000 for the above international application. Accordingly, the deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 02 January 2001. This international application became abandoned with respect to the United States at midnight on 02 January 2001 for failure pay the basic national fee.

On 20 December 2001, applicant filed in the United States Patent and Trademark Office (PTO) the instant petition, and a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, which was accompanied by, *inter alia*, the U.S. basic national fee. No executed oath or declaration accompanied the above papers.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional; and

(4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office
DO/EO/US for continued processing.



Rafael Baeares
PCT Legal Examiner
PCT Legal Office
Tel: (703) 308-6312
Fax: (703) 308-6459